GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. – C.T. Department - Data Entry Operators - Orders dt.05.03.2018 of Hon'ble High Court in WP.No.6949/2018 - Absorption into Government Service on regular basis– Rejected - - Orders – issued

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REVENUE (CT.I) DEPARTMENT

G.O.RT.No. 952 Dated: 17-07-2018

Read the following:-

1. Orders dt.27.09.2012 of Hon'ble APAT in OA.No.12397/2009 filed by Sri T.S. Raju and others.
2. Orders dt.5-3-2018 of Hon'ble High Court in WP.Nos.6949/2018 and 7008/2018.
3. From the Chief Commissioner of State Tax, A.P., Vijayawada, Ref.No.C1/174/2018, Dated:09.07.2018.

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O R D E R:

Sri T.S. Raju, Data Entry Operator and (13) others filed O.A.No.12397/2009 in the Andhra Pradesh Administrative Tribunal, Hyderabad seeking relief to convert applicants in equivalent posts of Senior Assistant or Junior Assistant in Commercial Taxes Department and it was dismissed vide order First read above.

2. The orders of the A.P. Administrative Tribunal were challenged in WP.Nos.6949/2018 and 7008/2018 in the High Court and the Hon'ble High Court of judicature at Hyderabad for the State of Telangana and Andhra Pradesh vide order dt.05.03.2018 directed as follows:

> "we do not find any merit in the present writ petitions, and the same are liable to be dismissed. However, considering the fact that the petitioners have completed around 20 years of service as Data Entry Operators in various Departments and in the light of the judgment rendered by the Apex Court in Nihal Singh v. State of Punjab**,** (2013 (14) SCC 65) the respondents are directed to take policy decision for appointment of the petitioners either by absorbing them in equivalent post or by creating posts for Data Entry Operators on regular basis within a period of two months from the date of receipt of a copy of this order ".

3. Government have examined the matter and observe as follows:

4. The Andhra Pradesh State Legislature enacted the Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994 (Act 2 of 1994) in order to regulate appointments and prohibit irregular appointments in offices and Establishments under the control of the State Government, Local Authorities, Corporations owned and controlled by the State Government and other bodies established under a law made by the Legislature of the State to rationalise the Staff Pattern and Pay Structure of Employees therein and for matters connected therewith or incidental thereto.

5. Further, Government in consonance with the Act. No.2 of 1994 issued orders vide G.O.Ms.No.212, F&P(FW.PC.III) Department, dated.22.4.1994 and G.O.Ms.No.112, Fin. & Plg, dated.23-07-1997 whereunder Government have decided to regularize the services of only those persons who worked

(P.T.O.)

continuously for a minimum period of 5/10 years and are continuing on 25.11.1993, subject to fulfillment of certain conditions specified therein. Act.No.2 of 1994 and G.O.Ms.No.212, Finance, dated 22.4.1994 and G.O.Ms.No.112, Finance, dated 23.7.1997 deal with regularization of services. There is no other method/ Policy under which a person services can be regularized or absorbed into Government service. All executive orders and instructions issued prior to Act No.2 of 1994 and G.O.Ms.No.212, Finance, dated 22.4.1994 and G.O.Ms.No.112, Finance, dated 23.7.1997 were no longer in force.

6. The case of the Writ Petitioners do not fall under purview of the aforesaid Act and G.Os., and they cannot be absorbed in equivalent post or by creating posts of Data Entry Operators on regular basis in Commercial taxes Department.

7. The request of the Writ Petitioners is, therefore, rejected.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To
The Chief Commissioner of State Tax, A.P., Vijayawada.
The Writ Petitioners through the Chief Commissioner of State Tax, A.P., Vijayawada

Copy to:
PS to Hon'ble Minister (F,P, CT & LA)
PS to Spl.Chief Secretary to Govt.(CT, Excise & R&S)
SF/SC.

// FORWARDED:: BY ORDER//

SECTION OFFICER.